

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

vs.

QUENTY OGANDO

Case No. 22-CR-10339-AK

GOVERNMENT'S SENTENCING MEMORANDUM

The United States of America, by and through the undersigned Assistant United States Attorney, respectfully submits this Sentencing Memorandum. The Defendant, Quenty Ogando, pled guilty to count one of the Indictment, which charged him with conspiracy to distribute and to possess with intent to distribute 400 grams of more of fentanyl, in violation of 21 U.S.C. § 846. The Government agrees with the guideline calculation included in the Presentence Investigation Report (“PSI”) that provides a range of 168 to 210 months’ imprisonment. For the reasons outlined below, that will be addressed in more detail at the sentencing hearing, the Government is recommending a sentence at the low-end of the guidelines range—to 168 months.

I. BACKGROUND

The Defendant, by his own admission, illegally entered the United States in 2012 and has been residing in Massachusetts since that time. PSI ¶ 51. While he has no prior convictions, at the time that the Defendant committed the instant offense, he had an open state case out of Boston that charged the Defendant with trafficking in controlled substances, including cocaine and heroin from 2020. *Id.* ¶ 47.

The instant offense involved Ogando running a large-scale pill press operation that manufactured for sale, and for shipment by mail, counterfeit pills, including pills containing fentanyl, among other drugs. The Defendant operated this scheme from at least September 2022

through November 2022, when law enforcement executed a search warrant at an apartment located at 43 River Street, in Mattapan, Massachusetts (hereinafter, the “River Street Apartment”). *Id.* ¶ 7. The Defendant worked with others, including co-defendants Erika Prado and Rahelin Reynoso, who the Defendant hired to work at the River Street Apartment counting, pressing, and packaging pills for shipment, and co-defendant Angel Morales, who the Defendant worked with to ship the pills that he created at the River Street Apartment by mail across the United States. *Id.* ¶¶ 7-9. The Defendant undoubtedly managed this operation out of the River Street Apartment, which resulted in the shipment of hundreds of packages. *Id.* ¶¶ 7-9; 35. The Defendant worked with an individual in the Dominican Republic who sent the Defendant instructions on what orders to fill for pills, and who provided labels in connection with the orders so that the pills could be sent to customers via mail. *Id.* ¶ 26.

This operation came to the attention of law enforcement due to the sheer volume of packages that Ogando’s co-defendant, Morales, was shipping at various post offices across Massachusetts. For example, on September 22, 2022, Morales mailed seven packages at a FedEx facility in Randolph, Massachusetts. FedEx employees opened one of those packages and found hundreds of pills marked Xanax, which tested positive for fentanyl in an amount of 85.92 grams. *Id.* ¶ 10. The following day, Morales mailed an additional eight packages. *Id.* ¶ 11. One of those packages was searched, and FedEx employees discovered football-shaped orange pills, which tested positive for fentanyl and weighed 827.82 grams. *Id.* ¶ 11. That same day, Morales mailed nineteen more packages from a FedEx in Braintree, Massachusetts. *Id.* ¶ 12. This pattern continued over the course of October and November 2022, where Morales would go to the River Street Apartment and then go to a variety of local post offices where he would ship multiple packages. *Id.* ¶ 13. Morales ultimately shipped hundreds of packages that originated from the

River Street Apartment. *Id.* at ¶¶ 8; 13. The Defendant himself accompanied Morales to ship packages on at least one occasion. *Id.* ¶ 16. Many of these packages were seized and searched pursuant to search warrants. The pills found in these packages varied in color, shape, marking, and chemical make-up. Each pill was a counterfeit version of a prescription pill. Ultimately, of the pills that were sent by mail, seized, and tested, close to two kilograms have tested positive for fentanyl. *Id.* ¶ 19.

As is outlined in more detail in the PSI, on November 22, 2022, a federal search warrant was executed at the River Street Apartment. The search revealed three industrial grade pill presses along with over twenty kilograms of pills and loose powder for purposes of making counterfeit pills. *Id.* ¶ 21. Ultimately, over eleven kilograms of fentanyl, along with amounts of methamphetamine, cocaine, and heroin were recovered from the apartment. *Id.* ¶ 22. Law enforcement also found materials needed to package, label, and ship packages of pills. *Id.*

II. ARGUMENT

The Government is recommending a sentence of 168 months, which represents the low-end of the sentencing guidelines. This is an appropriate sentence that is reflective of the § 3553(a) factors, including the seriousness of the Defendant's conduct, the history and characteristics of the Defendant, and the need for punishment and deterrence for these types of offenses. A significant sentence is warranted in this case as the danger posed by fentanyl truly cannot be overstated.

As outlined above, the Defendant ran a sophisticated operation where he managed others and produced counterfeit pills that were sold and shipped by mail to various customers across the United States. These pills were counterfeit and composed of narcotics that were at odds with their branding, as evidenced by the pills discussed above that were marked Xanax but tested positive for fentanyl. This is the danger of counterfeit narcotics and why the distribution of medication is

regulated. This case demonstrates this danger where a customer ordering Xanax, for example, could either receive acetaminophen or fentanyl. That is how people die—customers order drugs expecting that they will receive one thing, but in reality they receive and take something that is very different—in this case, fentanyl, which could be lethal.

The Defendant's role in this operation was to fulfill orders by creating counterfeit narcotics that were then shipped. The Defendant, along with his co-defendants, was responsible for the distribution of a significant quantity of fentanyl—between 12 and 36 kilograms of fentanyl. *Id.* ¶ 32. As the Court is aware, fentanyl has contributed to a dramatic increase in overdose deaths in Massachusetts and nationwide. Here, the Defendant used the United States mail service in order to further his crime putting not only its employees who handled the packages at risk, but also his customers at risk who did not know where or under what circumstances these pills were being created.

The danger of fentanyl is well-documented. *See, e.g., United States v. Simms*, No. 1:19-CR-423, 2019 WL 7049930, *6 (N.D. Ohio Dec. 23, 2019) (“The distribution of fentanyl, one of the most deadly illegal drugs on the black market, poses an incredible threat to community members.”); *United States v. Brown*, No. 17-00219-02, 2017 WL 4883375, *3 (W.D. Penn. Oct. 30, 2017) (“The Court is mindful that the distribution of fentanyl, in particular, has recently resulted in serious harm to the community—with multiple reports of overdoses and deaths resulting from that particular drug being reported in the news.”). Fentanyl is an extremely potent synthetic opioid.¹

¹ See U.S. Department of Justice Drug Enforcement Administration, *2020 National Drug Threat Assessment*, available at <https://www.dea.gov/documents/2021/03/02/2020-national-drug-threat-assessment#:~:text=The%202020%20National%20Drug%20Threat%20Assessment%20%28NDTA%29%20is,laundering%20of%20proceeds%20generated%20through%20illicit%20drug%20s>

Fentanyl is a deadly drug that has wreaked havoc in the United States, and more specifically in Massachusetts, over the past several years. Fentanyl remains the primary driver behind the ongoing opioid crisis, with fentanyl involved in more overdose deaths than any other illicit drug. *Id.* at 7. Indeed, “[n]early 70 percent of all drug overdose deaths in the United States in 2018 involved an opioid. Deaths involving synthetic opioids other than methadone—the category, which includes fentanyl—increased by 10 percent according to data provided by the Centers for Disease Control and Prevention (CDC).” *Id.* “Fentanyl use and overdose deaths are more widespread across the country as the opioid crisis continues. Overall, fentanyl-involved deaths are still the most concentrated in states in the Great Lakes and Northeast of the United States.” *Id.* at 12.

The opioid crisis has hit Massachusetts hard, making the Commonwealth among the top five states with the most fentanyl reports in 2019. *Id.* at 8. At the end of 2022, reports on opioid-related overdose deaths showed that deaths involving fentanyl—most likely illicit fentanyl—rose to 94%, which is a record high up from 42% less than a decade ago.² What is more, the opioid-

ales., at 7 (March 2021) (last visited January 29, 2024) (hereinafter, “DEA 2020 Assessment”).

² Pat Anson, *Fentanyl Linked to 94% of Overdose Deaths in Massachusetts*, PAIN NEWS NETWORK, <https://www.painnewsnetwork.org/stories/2022/12/16/fentanyl-linked-to-94-of-overdose-deaths-in-massachusetts> (Dec. 16, 2022) (last visited January 29, 2024).

related death rate in Massachusetts far outpaces the national rate, which can be largely explained by the noticeable spike in fentanyl usage in the state.³

In New Hampshire, 368 of 473 drug overdose deaths involved Fentanyl in 2022.⁴ In Massachusetts, opioid-related deaths reached 2,301 in 2021 with fentanyl present in 93 percent of cases. *Id.* In Maine, approximately 570 of the 716 overdoses in 2022 were due to “highly lethal non-pharmaceutical fentanyl.” *Id.* And in Rhode Island, of the 435 deaths reported in 2021—a new record high—70 percent were attributable to fentanyl.” *Id.*

To understand the scope of the fentanyl crisis, it is helpful to compare the overdose statistics to other death statistics. In 2021, there were 106,700 overdose fatalities in the United States and 71,000 involved synthetic opioids, overwhelmingly fentanyl. *Id.* In the same year, 43,600 people died of breast cancer and about 43,000 died in traffic accidents. *Id.* Almost twice as many people die in a year from fentanyl than from breast cancer. In fact, opioid overdoses are now the leading cause of death for Americans aged 18 to 45, with fentanyl being the most significant contributor. *Id.*

These statistics are not hypothetical: they describe the situation occurring right now in this district. Behind each statistic is someone’s mother, father, child, brother, sister, or friend. The epidemic is real and being felt every day by families across Massachusetts and the larger United States. These facts are relevant to this case, of course, because the quantity of fentanyl distributed

³ Anise Vance and Luc Schuster, *Opioid Addiction is a National Crisis. And It’s Twice as Bad in Massachusetts.*, BOSTON INDICATORS, <https://www.bostonindicators.org/-/media/indicators/boston-indicators-reports/report-files/opioids-2018.pdf>, at 2, 4 (last visited January 29, 2024).

⁴ Tamara Kerrill Field, *The fentanyl epidemic is more than a crisis. It’s a massacre.*, BOSTON GLOBE, <https://www.bostonglobe.com/2023/02/24/metro/fentanyl-epidemic-is-more-than-crisis-its-massacre/> (Feb. 24. 2023 at 11:54 a.m.) (last visited January 29, 2024).

by the Defendant and his co-conspirators has contributed to this devastation.⁵ The Defendant engaged in this dangerous and deadly conduct for profit. While this may be the first time that the Defendant is being sentenced in federal court, the charge to which the Defendant pled guilty, and the underlying facts of this case, which include the recruitment of others to accomplish his scheme and distributing a lethal drug in significant quantities, warrant a substantial sentence that is reflective of the Defendant's conduct, his role, and the choices that he has made that have led him to this point.

CONCLUSION

For the foregoing reasons, the Government asks the Court to impose the requested sentence at the low-end of the guideline range.

Respectfully submitted,

UNITED STATES OF AMERICA,

JOSHUA S. LEVY
Acting United States Attorney

/s/ J. Mackenzie Duane
J. Mackenzie Duane
Assistant U.S. Attorney

Date: January 29, 2024

⁵ Fentanyl can be lethal in doses as small as 2 milligrams. In this case, the Defendant is responsible for over 12 kilograms of fentanyl.

CERTIFICATE OF SERVICE

Undersigned counsel certifies that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ J. Mackenzie Duane

J. Mackenzie Duane
Assistant U.S. Attorney

Dated: January 29, 2024